

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
MONDAY, JULY 21, 2003**

SPECIAL ORDERS OF BUSINESS

ITEM-S400: Lisa Dodd Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-103)

Commending Ms. Dodd for her amazing softball career and selection as Gatorade's California and National Player of the Year;

Proclaiming July 21, 2003 to be "Lisa Dodd Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-S401: Lesbian, Gay, Bisexual and Transgender Pride Week.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-82)

Recognizing the many civic contributions of the lesbian, gay, and transgender community in San Diego, and encouraging all people to share in the pride of our City's diverse citizenry;

Proclaiming July 21 to 27, 2003 to be "Lesbian, Gay, Bisexual, Transgender Pride Week" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

*ITEM-S402: The National Conference for Community and Justice Anytown Program Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-128)

Commending The National Conference for Community and Justice Anytown Program for its mission to fight bias, bigotry, and racism;

Proclaiming July 21, 2003 to be "The National Conference for Community and Justice Anytown Program Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

*ITEM-S403: Amendment to Agreement with Procopio Cory Hargreaves & Savitch regarding the Renegotiation Provisions of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium between the City and the San Diego Chargers.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-66)

Authorizing and directing the City Attorney to execute an amendment to the Retention Agreement with the firm of Procopio Cory Hargreaves & Savitch LLP, for an additional amount not to exceed \$300,000 for a total contract amount not to exceed \$500,000.

SUPPORTING INFORMATION:

This action will amend the existing agreement between the City of San Diego and Procopio Cory Hargreaves & Savitch for legal services related to the renegotiation provisions of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium between the City and the San Diego Chargers (Agreement). An initial contract amount, not to exceed \$100,000, was authorized by the City Manager in early March, and an additional amount, not to exceed another

\$100,000, was authorized by the City Council in Resolution No. R-297734. The total amount authorized to date has proved insufficient due to the level of required services from the firm. An additional amount not to exceed \$300,000 is now necessary and appropriate to continue providing the necessary legal services relating to the Agreement. The proposed amendment will bring the total contract to an amount not to exceed \$500,000.

Herring/Girard

Aud. Cert. 2301231.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

*ITEM-S404: Agreement with Orrick, Herrington & Sutcliffe, LLP and Webster and Anderson for Bond and Disclosure Counsel Services for Wastewater Financing.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-113)

Authorizing the City Manager to execute an agreement with Orrick, Herrington and Sutcliffe, and Webster and Anderson, in an amount not to exceed \$248,500 for Bond Counsel and Disclosure Counsel Services, contingent upon the issuance of bond financing and an amount not to exceed \$5,000 for other financing related services;

Authorizing the expenditure of an amount not to exceed \$5,000 from Fund No. 41509, Department No. 777, Organization No. 445, Object Account No. 4151, Job Order No. 5053, for the purpose of providing funds for the above project.

SUPPORTING INFORMATION:

The City has proposed to finance the construction, installation, and improvement of the City's wastewater system with revenue bonds and refunding of outstanding series of bonds (Bonds) to be issued by the Public Facilities Financing Authority of the City of San Diego. The City previously issued a request for proposals for bond counsel and disclosure counsel services for the 1998 issuance of Sewer Revenue Bonds. Approximately 40 firms received the request for proposals. Through an interview selection process, Orrick, Herrington & Sutcliffe, LLP (Orrick) and Webster and Anderson (Webster) (collectively Orrick and Webster are referred to as the Firm) were selected to provide bond counsel and disclosure counsel services for the financing of

the improvements to the wastewater system. The City reserved the right to engage the Firm for one additional financing. The City has determined to exercise its option and use the Firm for the next series of Bonds. The terms of the agreement are as follows: For bond counsel services, Orrick shall be compensated an amount not to exceed \$72,000, plus an amount not to exceed \$5,000 for related expenses and Webster shall be compensated an amount not to exceed \$18,000, plus an amount not to exceed \$5,000 for related expenses. For additional expenses related to complications, if any, that cause delays in the financing and additional legal work and expenses, Orrick shall be compensated an amount not to exceed \$15,000 and Webster shall be compensated an amount not to exceed \$5,000. For disclosure counsel services, Orrick shall be compensated an amount not to exceed \$65,000, plus an amount not to exceed \$5,000 for related expenses. Similarly, if additional disclosure counsel services are needed due to delays in the financing Orrick shall be compensated on an hourly basis at Orrick's then current billing rate, in an amount not to exceed \$15,000, including related expenses. For tax analysis services, Orrick shall be compensated in an amount not to exceed \$16,000, including related expenses. If used for post closing related investments, Orrick shall be compensated an amount not to exceed \$25,000, plus an amount not to exceed \$2,500 for related expenses. The foregoing fees and related expenses are contingent on the bond being sold. For legal services related to other financing issues, Orrick shall be compensated an amount not to exceed \$5,000.

FISCAL IMPACT:

Bond and disclosure counsel fees are contingent on the Bonds being sold and shall be paid from the proceeds of the Bonds. For legal services related to other financing issues, Orrick shall be paid \$5,000 from Fund 41509, Dept. 777, Org. 445, Object Account 4151, and Job Order 5053.

Frazier/Noone/KS

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